THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.14363 OF 2006

DATED:14-07-2006

BETWEEN

Erra Vishnu Murthy

… Petitioner

and

The Secretary, Revenue, Govt. of A.P., Secretariat,
Hyderabad and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.14363 OF 2006

ORDER:

The petitioner filed the present writ petition seeking a writ of Mandamus declaring the inaction on the part of the respondents in not issuing D-form patta in favour of the petitioner for the land admeasuring Acs.5.00 in survey No.1 (R.No.121/92) of Asakapalli village of Sabbavaram Mandal in Visakhapatnam District as illegal and arbitrary. It is the case of the petitioner that he is an ex-serviceman in Indian Merchant Navy. The petitioner made an application on 21.10.1981 requesting to allot land in survey No.72. The Director General of Shipping, Ministry of Shipping and Transport, Calcutta, by letter dated 12.11.1981 recommended petitioner's case to second respondent for allotment of the agricultural land. After conducting enquiry into the same, the Tahsildar, Sabbavaram, issued provisional assignment by proceedings, dated 25.02.1983, allotting land in survey No.1/1 of Asakapalli village. The petitioner allegedly took possession of the land and raised Eucalyptus plantation with five thousand plants supplied by the Department of Forests. Allegedly, the name of the petitioner was entered in the revenue records, like No.2 Adangal. An extent of Acs.0.53 cents was also acquired for allotting pipeline of Hindustan Petroleum Corporation Limited (HPCL) from Visakhapatnam to Vijayawada. However, regular patta was not granted in D-form. Therefore, he made a request to the fourth respondent to issue D-form patta, in vain. Due to this, the petitioner could not get loan from the Bank, who insisted on D-form patta. Therefore, the present writ petition is filed.

After hearing the learned counsel for the petitioner and learned Assistant Government Pleader for Revenue (General), this Court is convinced that the petitioner has no enforceable right, which can be implemented in this writ petition. The petitioner was allegedly assigned land temporarily in 1983. A person, who is temporarily assigned land is not entitled to any assignment. Further, the petitioner admittedly worked in Indian Merchant Navy and not in Indian Navy, which is part of Indian Army. This itself would throw doubt whether the petitioner is entitled for assignment as an ex-service man. Secondly, when the petitioner's name was allegedly recommended by the Mandal Revenue Officer in 1994 (as alleged in paragraph 11 of the writ affidavit), and there was inaction on the part of the respondents, nothing prevented the petitioner to approach this Court earlier. In that view of the matter, there is a huge delay on the part of the petitioner in seeking relief. If the non-issue of D-form patta has become hurdle in petitioner getting crop loan from the Banks, the petitioner has to seek redressal before the revenue authorities by first approaching the Mandal Revenue Officer and then approach the District Collector. Except making such an observation, no relief can be granted in the writ petition.

The writ petition, with the above observation, is therefore dismissed. No costs.

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(V.V.S.RAO,J)

14.07.2006
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